

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION NO. 57
97TH GENERAL ASSEMBLY

5193H.07C

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri, and adopting one new section relating to the joint committee on administrative rules.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article III of the Constitution of the state of Missouri:

Section A. Article III, Constitution of Missouri, is amended by adding one new section, to be known as section 35(a), to read as follows:

Section 35(a). 1. There shall be a permanent joint committee on administrative rules, selected by and from the members of each chamber as provided by law. The committee may employ a staff as provided by law. The committee shall meet when necessary to perform the duties assigned to it by law. The members of the committee shall receive no compensation in addition to their salary as members of the general assembly, but may receive their necessary expenses while attending the meetings of the committee.

2. The committee shall review all rules promulgated by state agencies, except rules promulgated by the conservation commission under article IV, section 40(a) of this constitution, and may, by majority vote of its members, recommend that the general assembly disapprove and annul any rule or portion thereof contained in an order of rulemaking after hearings thereon and upon a finding that such rule or portion thereof should be disapproved and annulled. Any such rule disapproved by majority vote of the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 committee shall be held in abeyance and not effective until the conclusion of legislative and
14 judicial action as provided in this section. Grounds upon which the committee may
15 recommend that such rule or portion thereof is not in the public interest or is not
16 authorized by the general assembly are as follows:

- 17 (1) An absence of statutory or constitutional authority for the proposed rule;
18 (2) The proposed rule is in conflict with state statutes;
19 (3) The proposed rule is so arbitrary and capricious as to create such substantial
20 inequity as to be unreasonably burdensome on persons affected; or
21 (4) Such proposed rule is likely to substantially and unjustifiably endanger the
22 public health, safety, or welfare.

23 3. No proposed order of rulemaking, final order of rulemaking, or portion thereof
24 shall take effect, or be published by the secretary of state, so long as the general assembly,
25 by a three-fifths majority, shall disapprove such by concurrent resolution within thirty
26 legislative days occurring during the same regular session of the general assembly. The
27 concurrent resolution shall specify the grounds for disapproval as provided in subsection
28 2 of this section and shall be proceeded upon in the same manner as in the case of a bill, but
29 shall not be presented to the governor.

30 4. Persons aggrieved by the disapproval of rules under the provisions of subdivision
31 (1), (2), or (3) of subsection 2 of this section may bring an action for de novo review in a
32 court of competent jurisdiction. Persons aggrieved by the disapproval of rules under the
33 provisions of subdivision (4) of subsection 2 of this section may bring an action for judicial
34 review in a court of competent jurisdiction, but the legislative determination shall be
35 upheld if a rational basis exists that the rule violates subdivision (4) of subsection 2 of this
36 section.

Section B. Pursuant to chapter 116, RSMo, and other applicable constitutional provisions
2 and laws of this state allowing the general assembly to adopt ballot language for the submission
3 of a joint resolution to the voters of this state, the official ballot title of the amendment proposed
4 in section A shall be as follows:

5 "Shall the Constitution of the State of Missouri be amended to guarantee a legislative
6 check on state agency power, excepting the department of conservation, to promulgate
7 administrative rules which are unlawful, arbitrary and capricious, or dangerous to public health,
8 safety, or welfare, with such legislative decisions subject to judicial review?"

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